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EXAMINER

CHRISTENSEN, SCOTT B

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ADVISORY ACTION

1. This Office Action is in regards to the most recent papers filed on 2/9/2010.\

Response to Arguments

2. Applicant's arguments filed 2/9/2010 have been fully considered but they are not persuasive.
3. First, on pages 19-22, Applicant argues that the Examiner is misinterpreting the phrase "only specific ones are accessed from a particular one of the server directories", as in, for example, claim 1.

Applicant, more specifically, focuses on the interpretation of the term "only specific ones." To elaborate on Examiner's position of this argument, an analogy would be useful. Assume a list of media presentations is presented, where the included media presentations are A, B, C, D, E, and F. If A is downloaded, then a specific file was downloaded, and only a specific file was downloaded, where the specific file is A. Meanwhile, if each item on the list is downloaded, then only specific ones of the list were downloaded, as A is a specific file, B is a specific file, C is a specific file, and so on. Lacking any requirement as to how the "specific ones" are actually selected for presentation as well as any language actually requiring that specific ones of the media presentations are selected, it is clear that "specific ones" refers to each and every media presentation, and when the media presentation is output, then specific media presentations were accessed.

It is further noted that in the computer arts, files must be distinctive and definite in order to properly be accessed. This is the reason why different file architectures are presented (e.g. FAT, NTFS, etc.). A person of ordinary skill in the art would recognize that in a computer, each and every file is distinctive and definite unless the file is somehow corrupted. Accordingly, it is clear that each and every file in a computing system would meet the definition of "specific," as quoted by Applicant on page 20 of Applicant's remarks. Thus, a program which plays media files can only access the distinct and definite (i.e. specific) media files properly, as these are the only files that would be fully readable by the player.

Applicant should amend the claim to clearly require that the media presentations are actually selected, provide details of how the media presentations are selected, then provide that based on the selection, downloading only the specific media presentations that were selected. Otherwise, the phrase "only specific ones" covers each and every media presentation in the list, as each media presentation is a specific media presentation, as each media presentation is "distinctive and definite," and only those that are distinctive and definite can possibly be downloaded properly.

4. On pages 21-22, Applicant argues Examiner's interpretation of the term "portion," as in claim 6. However, this point has been argued previously, and Applicant's arguments are deemed not persuasive for the reasons as previously set forth (see, for example, the Office Action mailed on 12/7/2009, page 2).

However, it is further noted that even if Applicant's limited interpretation of the term "portion" were correct, the instant claim does not include language that requires that less than the whole would be accessed, downloaded, and decoded. As recognized by a person of ordinary skill in the art, files are rarely accessed in a fully parallel manner, especially files as large as a media presentation. For most files to be accessed, the file is taken in small pieces at a time until the file is fully accessed, downloaded, or decoded. This is why for certain operations, the system actually presents a progress bar (such as, for example, a download in many Internet browsers, such as most versions of Internet Explorer.). In the case of a download, the file is transmitted in a more serial manner, where pieces of the file are transmitted over a period of time until the entire file is transmitted. Thus, it is clear that a client that is capable of "accessing, downloading and decoding portions...", even with an interpretation of the term "portion" that is asserted by Applicant, as the client accesses the file is divided into a plurality of portions, where the client accesses one portion at a time until the entire file is accessed, downloaded or decoded.

Accordingly, for reasons previously set forth with regard to the term "portion," Applicant's arguments are deemed not persuasive. Further, even if the term "portion" were interpreted in the overly limited manner proposed, the instant claim would still be rejected in a similar manner due to the inherent way that the computing systems of White as modified by French perform the cited functions.

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5. On pages 22-23, Applicant argues the rejection of claim 26. However, the arguments appear to rely on the arguments presented on pages 18-21, which are addressed above. Thus, the arguments presented on pages 22-23 are deemed not persuasive for substantially similar reasons as presented above.

6. On pages 23-24, Applicant argues the rejection of claim 29, arguing the phrase "from a specified directory on the server that is associated with the particular location of the client."

However, terms such as "specified" and "particular" mean little in a claim in isolation. As with claim 1, as detailed above, there is no requirement that of how the directory is selected let alone any requirement that a directory is selected. When a directory is accessed, the directory is specified, as a directory must be specified by some entity in order to be accessed. Further, the mere fact that the client can and does access the directory means that the directory is somehow "associated" with the client.

Applicant should amend the instant claim to clearly require that the directory is selected based on the particular location of the client, to require that the directory is selected from a plurality of other directories, and to clearly recite how the directory is associated with the particular location.

7. Applicant's remaining arguments appear to be similar to the arguments above, specifically the arguments relating to the term "portion" and "specific ones."

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Accordingly, Applicant's remaining arguments are deemed not persuasive for substantially similar reasons as presented above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Christensen whose telephone number is (571)270-1144. The examiner can normally be reached on Monday through Thursday 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. C./
Examiner, Art Unit 2444

/Hassan Phillips/
Primary Examiner, Art Unit 2451